

August 29, 2005

Mr. Corbin R. Davis
Clerk of the Michigan Supreme Court
P.O. Box 30052
Lansing, Michigan 48909

RE: ADM File No. 2004-42

Dear Mr. Davis:

I am writing to comment on the proposed amendment to rules 8.103, 8.107 and 8.110 of the Michigan Court Rules as President of the Macomb County District Court Judges' Association. Our Association respectfully opposes the amendments, particularly rule 8.110(5)(b) mandating the reporting of all misdemeanor cases pending over 91 days rather than the current 180 days.

We all adhere to the same belief that swift justice is a high priority, however, justice is best served when all parties have had sufficient time to investigate and then advocate their respective positions. This cannot be accomplished by requiring all cases to be completed within 91 days.

The Judges in our Association preside over extremely large court dockets. While it may be feasible to conclude most cases within 91 days, it is not possible for all matters due to circumstances outside of the Judge's control. For example, many courts include multiple jurisdictions which causes delays in scheduling cases. Delays also occur due to adjournments related to appointment of attorneys, discovery and hearings on motions. The 91 day requirement would place an undue burden on our clerks and support staff that are already overworked. As a result of recent state cuts to municipalities there is no money to hire the additional support staff necessary to accomplish the 91 day goal.

In conclusion, on behalf of our Association, we believe that the imposition of these changes would result in a hardship to all courts.

I thank you for allowing me to express the opinion of our Association and please feel free to contact me if you have any further comments or questions.

Sincerely,

Honorable Douglas P. Shepherd, President
Macomb County District Judges' Association

DPS/lgp

cc: Hon. Joseph F. Boedeker
Hon. Paul A. Cassidy
Hon. John M. Chmura
Hon. Linda Davis
Hon. Jennifer M. Faunce
Hon. John C. Foster
Hon. Mark A. Fratarcangeli
Hon. Dawnn M. Gruenburg
Hon. Walter A. Jakubowski
Hon. Denis R. LeDuc
Hon. Sebastian Lucido
Hon. Michael S. Maceroni
Hon. Joseph C. Oster
Hon. Norene S. Redmond
Hon. Marco A. Santia
Hon. Stephen S. Sierawski
Hon. Cathleen B. Steenland
Hon. Kimberly A. Wiegand